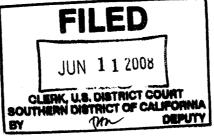
Case 3:08-cr-02234-DMS Document 5 Filed 06/



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA) Magistrate Case No.: 08MJ8520
Plaintiff,) COMPLAINT FOR VIOLATION OF
v.) 21 U.S.C. § 952 and 960) Importation of a Controlled) Substance (Felony)
Moises LARA-Ibarra,)
Defendant.) "AMENDED"))

The undersigned complainant being duly sworn states:

That on or about June 7, 2008, within the Southern District of California, defendant Moises LARA-Ibarra did knowingly and intentionally import approximately 21.88 kilograms (48.33 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorpørated/herein by reference.

DARYL CHRISTENSEN

Special Agent

U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF JUNE 2008.

TED STATES MAGISTRATE JUDGE

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v.

Moises LARA-Ibarra

STATEMENT OF FACTS

The Complaint and Statement of Facts is being amended to include additional packages of marijuana found on June 8, 2008.

On June 7, 2008, at approximately 1035 hours, Moises LARA-Ibarra entered the United States from the Republic of Mexico at the Calexico West Port of Entry. LARA-Ibarra was the driver, sole occupant and registered owner of a 2007 Honda Accord bearing Baja California, Mexico license AHG6049.

At primary inspection, LARA-Ibarra gave a negative Customs Declaration and presented a valid Mexican passport with a valid United States B1/B2 Visa to Customs and Border Protection Officer (CBPO) L. Parker. The vehicle was referred to secondary inspection after CBPO Parker received an Automated Targeting System (ATS) hit when he entered the license plate.

At secondary inspection, LARA-Ibarra again gave a negative Customs Declaration to CBPO S. German. During routine secondary questioning, LARA-Ibarra stated that he was on his way to pick up his grandmother in Calexico. CBPO S. Barela utilized his Narcotic Detector Dog and an alert was given to the area of the rocker panels.

Further search of the vehicle resulted in the discovery of a total of fourteen (14) packages in fabricated compartments in the rocker panels of the vehicle. A presumptive chemical test indicated the contents of these packages to be marijuana. The

total weight of the fourteen (14) packages was approximately 14.90 kilograms (32.78 pounds).

LARA-Ibarra was advised of his rights per Miranda, which he acknowledged and agreed to be interviewed. LARA-Ibarra stated that he was the owner of the vehicle for approximately three months, but that he had registered it about one month prior. LARA-Ibarra, who stated his occupation as a lawyer, claimed that he had received the vehicle as partial payment for defending two organized crime members on drug charges in Mexico. LARA-Ibarra further stated that he was on his way to home Town Buffet in Calexico to pick up his girlfriend.

Computer queries by SA Christensen showed that the vehicle had previously been subject to intensive inspection and search by a Narcotic Detector Dog since it was registered to LARA-Ibarra on May 2, 2008 in Baja California, Mexico.

On June 8, 2008, Customs & Border Protection officers discovered eight (8) additional packages concealed in the Honda Accord. The package contained a green leafy substance which field tested positive for the presence of marijuana. The additional package contained 6.98 kilograms (15.35 pounds) of marijuana.

The total weight of the twenty-two (22) packages contained 21.88 kilograms (48.33 pounds) of marijuana.